

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHARLES LEONARD GALLOWAY,)	
)	CASE NO. 4:16CV01219
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
UNITED STATES DEPARTMENT OF)	
JUSTICE, <i>et al.</i> ,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Defendants.)	<u>ORDER</u> [Resolving ECF No. 1]

Pro se Plaintiff Charles Leonard Galloway has filed this civil action against the United States Department of Justice and the Federal Bureau of Prisons. See [ECF No. 1](#). This action arises from the same allegations Plaintiff has asserted in prior civil rights cases,¹ *i.e.*, that he had an aneurysm while incarcerated in a special housing unit in FCI Elkton after he was accused of faking a medical condition at sick call. He seeks relief under [Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics](#), 403 U.S. 388 (1971) and the Federal Tort Claims Act.

Pursuant to [28 U.S.C. §§1915\(e\)](#) and [1915A](#), a district court is required to dismiss before service any *in forma pauperis* civil action, and any action in which a prisoner seeks redress from a governmental entity, that the court determines is frivolous or malicious or fails to state a claim upon which relief can be granted. [Hill v. Lappin](#), 630 F.3d 468, 470-71 (6th Cir. 2010).

¹ See *Galloway v. FCI Elkton Med. Dep't*, Case No. 4:15CV02276 (dismissed); *Galloway v. Warden FCI - Elkton, et al.*, Case No. 4:16CV00572 (partially dismissed); *Galloway v. USA*, 4:16CV00680 (dismissed).

(4:16CV01219)

Plaintiff's claims under *Bivens* must be dismissed because such claims can only be asserted against individual federal officials, not the United States or its agencies. *See Correctional Serv. Corp. v. Malesko*, 534 U.S. 61, 70 (2001). Any tort claim Plaintiff asserts under the Federal Tort Claims Act is duplicative of claims he has already asserted on the same facts in a prior civil rights lawsuit pending in this Court. *See Galloway v. Warden FCI - Elkton, et al.*, Case No. 4:16CV00572 (partially dismissed).

Conclusion

Accordingly, this action is dismissed pursuant to [28 U.S.C. §§ 1915\(e\)](#) and [1915A](#). The Court further certifies, pursuant to [28 U.S.C. §1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

July 29, 2016
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge